

Remarks/Arguments

Claims 21, 2, 8, 23, 27, and 28 have been rejected under 35 U.S.C. 112 concerning insufficient antecedent basis for limitations in the claims. Applicant has amended claims 21, 2, 8, 23, 27, and 28 and respectfully submits that such amendments have obviated the rejections.

Claim 21 has been rejected under 35 U.S.C. 102(b) as being anticipated by Berman, U.S. Patent No. 5,610,665. It has been stated in the Office Action that Berman discloses claim 21 in the Abstract and in column 5, lines 17-49, and that Berman discloses in column 5, lines 17-49, "that the overlay is text and can be moved around without any distraction to background video." Applicant respectfully submits that Berman does not teach or suggest a method of displaying video as recited in claim 21 which comprises the steps of (a) providing a video image; (b) overlaying textual information on top of the video image in a manner to minimize interruption to the video image; and (c) moving the overlaid textual information periodically without moving the video image in a manner to minimize interruption to the video image. Berman does not teach overlaying textual information on top of the video image in a manner to minimize interruption to the video image. Rather, Berman at lines 6-11 of the Abstract teaches "A joystick input device allows the television viewer to select from a library of superimposed images and to move the images to any location over the television scene. The viewer may continue to move the superimposed images over the television scene to set up and maintain humorous or other expressive effects." Accordingly, it can be seen that Berman teaches putting the superimposed images anywhere on the television scene including over the television scene to maintain humorous or other expressive effects. Not only is there no teaching of "overlaying textual

information on top of the video image in a manner to minimize interruption to the video image" as recited in claim 21, Berman teaches to the contrary, i.e., put the superimposed images on the television scene to create humorous or other expressive effects, thereby interrupting the video image rather than minimizing the video image. Berman is devoid of any teaching concerning minimizing the interruption of the video image as recited in Applicant's claim 21. In addition, Berman does not teach or suggest "moving the overlaid textual information periodically" as recited in Applicant's claim 21. In fact, at lines 10 and 11 of Berman's Abstract, it is stated "to set up and maintain humorous or other expressive effects (emphasis added)." Accordingly, Berman does not teach or suggest Applicant's invention as recited in claim 21.

Claims 2-9 and 22-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Berman as applied to claim 21 in further view of Toffolo et al. (hereinafter Toffolo), U.S. Patent No. 6,628,247. It has been stated in the Office Action that "it would have been obvious at the time of the invention to one skilled in the art to combine the interactive television graphics interface of Berman with the display system of Toffolo to reduce uneven aging of pixels on the screen when the display remain activated for long period of time." Toffolo addresses the problem of where a display is in operation for a long period of time without any user input, but a usual screen saver is inappropriate for the application, such as a display containing gauges, for example, a speedometer, in a vehicle (see column 1, lines 24-34). Berman on the other hand pertains to an Interactive Television Graphics Interface for superimposing images over a television scene. Accordingly, there is no teaching or suggestion that Toffolo should be combined with Berman. In fact, Berman, which pertains to a constantly changing television scene, does not require any shifting of images as taught by Toffolo because the image is always

changing. Moreover, Toffolo teaches moving the entire image. At column 2, lines 65-67, Toffolo states as follows: "Preferably, the display 22 has more pixels than the image 30 displayed so that there is room to move the image 30 without cutting part of it off." Obviously, Toffolo's method would be inappropriate for the television system of Berman. Still further, Toffolo employs a memory 25, which stores the information from video source 26 for display on display 22; a similar memory function is not performed in Berman. Both Toffolo and Berman are totally devoid of how Toffolo's Display System with Latent Image Reduction could be combined with Berman's Interactive Television Graphics Interface. Assuming arguendo that the systems of Berman and Toffolo could be combined, they still would not teach overlaying textual information on top of the video image in a manner to minimize interruption to the video image and moving the overlaid textual information periodically without moving the video image in a manner to minimize interruption to the video image as discussed above in relation to Berman. Accordingly, Applicant respectfully submits that Applicant's invention as recited in claim 21 as well as dependent claims 2-9 and 22 are patentable over the combination of Berman and Toffolo.

Similarly, since the Office Action states that "claims 23-28 are similar in scope to claims 2-9, 21 and 22 and therefore they are rejected under the same rational," Applicant submits that claims 23-28 are also patentable over Berman or Toffolo or the combination of Berman and Toffolo for the reasons set forth above that also apply to claims 23-28.

In view of the above remarks, it is respectfully that this amendment be entered, the application be reconsidered, the claims allowed, and this case passed to issue.

Respectfully submitted,



Paul T. Kashimba, Attorney for Applicant
Registration No. 29,180
Gunster, Yoakley & Stewart, P.A.
Broward Financial Centre, Suite 1400
Fort Lauderdale, FL 33394-3076
(954) 712-1465
Email: pkashimba@gunster.com

FTL 26718J.1

16960.00125
Appl. No. 09/844,046
Amendment filed October 8, 2004

9 of 9